

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Cherrity Honesty-Alexis Meranelli,
formerly known as Eric Sorenson,

No. 22-cv-946 (KMM/DTS)

Plaintiff,

ORDER

v.

State of Minnesota, et al.,

Defendants.

On May 17, 2022, Defendants State of Minnesota; Minnesota Department of Human Services; Minnesota Sex Offender Program (“MSOP”); Jodi Harpstead, Commissioner of the Minnesota Department of Human Services; Nancy A. Johnston, Executive Director of MSOP; Melissa Weske; Rebecca Skur; and Debbie James filed a motion to dismiss the Complaint. [ECF No. 16]. On June 3, 2022, Plaintiff Cherrity Honesty-Alexis Meranelli filed an Amended Complaint. [ECF No. 23]. Because she filed the Amended Complaint within 21 days after a motion under Rule 12(b), Ms. Meranelli was permitted to amend her pleading as a matter of course. Fed. R. Civ. P. 15(a)(1)(B). As a result, the Amended Complaint is now the operative pleading in this case.

Under the circumstances, the Court concludes that the best course of action is to treat the Amended Complaint as having mooted the pending motion to dismiss the original complaint. *See Cartier v. Wells Fargo Bank, N.A.*, 547 F. App’x 800, 803–04 (8th Cir. 2013) (noting that courts have discretion on whether to treat a motion to dismiss

the original complaint as a motion to dismiss an amended complaint and citing cases where courts have handled the issue differently). Of particular importance, the Court notes that the parties have submitted a Stipulation concerning an agreed extension of the deadline for the Defendants' response to the Amended Complaint. [ECF No. 24]. Among other things, the Stipulation indicates that the parties are discussing the possibility of Defendants' consent to Plaintiff's further amendment or supplementation of the pleadings. [ECF No. 24]. Given that possibility, to avoid confusion, the Court will not treat the motion to dismiss the original Complaint as a motion to dismiss the Amended Complaint.

Accordingly, the Defendants' motion to dismiss [ECF No. 16] is **DENIED WITHOUT PREJUDICE** as moot. This Order does not foreclose Defendants from filing a motion to dismiss the Amended Complaint or a future amended pleading as permitted by the Federal Rules of Civil Procedure and any further orders of the Court.

Date: **June 22, 2022**

s/ Katherine M. Menendez

Katherine M. Menendez
United States District Judge